

Sec. 23-204. Scope of responsibility for the city stormwater system and facilities.

(a) The City of Columbia owns or has legal access for purposes of operation, maintenance, and improvement of those systems and facilities which:

- (1) Are located within public streets, rights-of-way, and easements;
- (2) Are subject to easements, rights-of-entry, rights-of-access, rights-of-use, or other permanent provisions for adequate access for operation, maintenance, and/or improvement of systems and facilities; or
- (3) Are located on public lands to which the city has adequate access for operation, maintenance, and/or improvement of systems and facilities.

(b) Operation, maintenance, and/or improvement of stormwater systems and facilities which are located on private property or public property not owned by the city and for which there has been no public dedication of such systems and facilities for operation, maintenance, and/or improvement of the systems and facilities shall be and remain the legal responsibility of the property owner, except as that responsibility may be otherwise affected by the laws of the State of South Carolina and the United States of America.

(c) It is the express intent of this article to protect the public health, safety, and welfare of all properties and persons in general, but not to create any special duty or relationship with any individual person or to any specific property within or outside the boundaries of the city. The city expressly reserves the right to assert all available immunities and defenses in any action seeking to impose monetary damages upon the city, its officers, employees and agents arising out of any alleged failure or breach of duty or relationship as may now exist or hereafter be created.

(d) To the extent any permit, plan approval, inspection or similar act is required by the city as a condition precedent to any activity or change upon property not owned by the city, pursuant to this or any other regulatory ordinance, regulation, or rule of the city or under federal or state law, the issuance of such permit, plan approval, or inspection shall not be deemed to constitute a warranty, express or implied, nor shall it afford the basis for any action, including any action based on failure to permitor negligent issuance of a permit, seeking the imposition of money damages against the city, its officers, employees, or agents.

(Ord. No. 2002-029, 6-19-02)